

AMENDED IN SENATE MAY 28, 1999

**SENATE BILL**

**No. 656**

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**Introduced by Senator Solis**

February 24, 1999

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An act to amend Section 2655 of the Unemployment Insurance Code, relating to unemployment disability, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 656, as amended, Solis. Unemployment disability.

(1) Existing unemployment compensation disability law generally requires each worker to pay contributions at specified rates to the Unemployment Compensation Disability Fund, which is continuously appropriated for the purpose of providing disability benefits to workers who are unemployed due to injury or sickness not related to work. Existing law provides that an individual shall be deemed to be disabled on any day that he or she is unable to perform regular or customary work because of his or her physical or mental condition, as specified.

The Moore-Brown-Roberti Family Rights Act, among other things, makes it an unlawful employment practice for any employer who employs 50 or more persons to refuse to grant a request by any employee who meets certain requirements to take a total of 12 workweeks in a 12-month period for an unpaid family care and medical leave in connection with the birth or adoption of, or the serious illness of, a child of the employee, or to care for a parent or spouse of the employee or the employee due to a serious health care condition.

This bill would require the Employment Development Department to report to the Legislature on or before July 1, 2000, on the fiscal impact on the Disability Fund of extending unemployment compensation disability benefits to an individual who is absent from work due to having been granted a family care and medical leave or who is absent from work and who would have been eligible for that leave if his or her employer had not been exempt from the requirement to grant a leave.

(2) The existing unemployment compensation disability law provides a formula for determining benefits available to qualifying disabled individuals. For an individual who has quarterly base wages of greater than \$1,749.20, the weekly benefit is calculated by multiplying base wages by 55% and dividing the result by 13. However, under existing law, the weekly benefit cannot exceed \$336.

This bill would provide that the weekly benefit amount for periods of disability commencing on or after January 1, 2000, ~~shall be equal to~~ *may exceed this amount but may not exceed* the *maximum* workers' compensation temporary disability indemnity weekly benefit amount. ~~Since~~ *Because* the bill would increase the amount payable from the Disability Fund, a continuously appropriated special fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2655 of the Unemployment  
2 Insurance Code is amended to read:  
3 2655. (a) Except as provided in subdivisions (b), (c),  
4 and (d), an individual's "weekly benefit amount" shall be  
5 the amount appearing in column B in the table set forth  
6 in this subdivision on the line of which in column A of the  
7 table there appears the wage bracket containing the  
8 amount of wages paid to the individual for employment  
9 by employers during the quarter of his or her disability  
10 base period in which wages were the highest.  
11

1	A	B
2	Amount of wages in	Weekly benefit
3	highest quarter	amount
4	\$75–1,149.99 .....	\$50
5	1,150–1,174.99 .....	51
6	1,175–1,199.99 .....	52
7	1,200–1,224.99 .....	53
8	1,225–1,249.99 .....	54
9	1,250–1,274.99 .....	55
10	1,275–1,299.99 .....	56
11	1,300–1,324.99 .....	57
12	1,325–1,349.99 .....	58
13	1,350–1,374.99 .....	59
14	1,375–1,399.99 .....	60
15	1,400–1,424.99 .....	61
16	1,425–1,449.99 .....	62
17	1,450–1,474.99 .....	63
18	1,475–1,499.99 .....	64
19	1,500–1,524.99 .....	65
20	1,525–1,549.99 .....	66
21	1,550–1,574.99 .....	67
22	1,575–1,599.99 .....	68
23	1,600–1,624.99 .....	69
24	1,625–1,649.99 .....	70
25	1,650–1,674.99 .....	71
26	1,675–1,699.99 .....	72
27	1,700–1,724.99 .....	73
28	1,725–1,749.20 .....	74

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30 (b) For periods of disability commencing on or after  
31 January 1, 1990, and prior to January 1, 1991, if the amount  
32 of wages paid an individual for employment by  
33 employers during the quarter of his or her disability base  
34 period in which these wages were highest exceeds one  
35 thousand seven hundred forty-nine dollars and twenty  
36 cents (\$1,749.20), the weekly benefit amount shall be 55  
37 percent of these wages divided by 13, but not exceeding  
38 two hundred sixty-six dollars (\$266) or the maximum  
39 workers' compensation temporary disability indemnity  
40 weekly benefit amount, whichever is less. If the benefit



1 payable under this subdivision is not a multiple of one  
2 dollar (\$1), it shall be computed to the next higher  
3 multiple of one dollar (\$1).

4 (c) For periods of disability commencing on or after  
5 January 1, 1991, but before January 1, 2000, if the amount  
6 of wages paid an individual for employment by  
7 employers during the quarter of his or her disability base  
8 period in which these wages were highest exceeds one  
9 thousand seven hundred forty-nine dollars and twenty  
10 cents (\$1,749.20), the weekly benefit amount shall be 55  
11 percent of these wages divided by 13, but not exceeding  
12 three hundred thirty-six dollars (\$336). If the benefit  
13 payable under this subdivision is not a multiple of one  
14 dollar (\$1), it shall be computed to the next higher  
15 multiple of one dollar (\$1).

16 ~~(d) For periods of disability commencing on or after~~  
17 ~~January 1, 2000, the weekly benefit amount shall be equal~~  
18 ~~to the workers' compensation temporary disability~~  
19 ~~indemnity weekly benefit amount.~~

20 *(d) For periods of disability commencing on or after*  
21 *January 1, 2000, if the amount of wages paid an individual*  
22 *for employment by employers during the quarter of his*  
23 *or her disability base period in which these wages were*  
24 *highest exceeds one thousand seven hundred forty-nine*  
25 *dollars and twenty cents (\$1,749.20), the weekly benefit*  
26 *amount shall be equal to 55 percent of these wages*  
27 *divided by 13, but not exceeding the maximum workers'*  
28 *compensation temporary disability indemnity weekly*  
29 *benefit amount. If the benefit under this subdivision is not*  
30 *a multiple of one dollar (\$1), it shall be computed to the*  
31 *next higher multiple of one dollar (\$1).*

32 SEC. 2. The Employment Development Department  
33 shall report to the Legislature on or before July 1, 2000, on  
34 the fiscal impact on the Disability Fund of extending  
35 unemployment compensation disability benefits to an  
36 individual who is absent from work due to having been  
37 granted a family care and medical leave pursuant to  
38 Section 12945.2 of the Government Code, or who is absent  
39 from work and who would otherwise qualify for a family  
40 and medical leave except that his or her employer is

1 exempt from being required to grant that leave pursuant  
2 to that section.

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